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October 3, 2024

**VIA ECF**

Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

Re: *Robert Barbera v. All Season Protection Inc.*,  
Case No. 1:24-cv-05482-KPF

Dear Judge Failla:

We represent plaintiff Robert Barbera ("*Plaintiff*") in the above captioned action. Pursuant to Paragraphs 2(B) and 3(C)(i) of Your Honor's Individual Rules of Practice, Plaintiff respectfully requests an adjournment *sine die* of the October 11, 2024, Initial Pretrial Conference as well as the attendant deadlines in the Court's July 30, 2024, Notice of Initial Pretrial Conference.

In support of this Motion, Plaintiff includes the following:

- (1) The Court has scheduled an Initial Pretrial Conference for October 11, 2024, at 2:30 p.m. (*Dkt. No. 8*);
- (2) Additionally, the Court has directed the parties to submit a joint letter and proposed civil case management plan and scheduling order by October 3, 2024 (*Id.*);
- (3) This is Plaintiff's first request for an adjournment;
- (4) Good cause exists for the instant request as defendant All Season Protection Inc. ("*Defendant*") has yet to enter an appearance in this action or respond to Plaintiff's Complaint and there is no party with which Plaintiff can confer regarding the preparation of the requisite joint letter and case management plan;
- (5) As Defendant has yet to enter an appearance in this action, there is no party with which Plaintiff can confer regarding their consent to this request;
- (6) Plaintiff intends to move for default judgment within thirty (30) days of the date of this submission.



The instant request is made in good faith and granting the requested adjournment will not prejudice any party to this matter. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Joshua D. Vera  
Joshua D. Vera  
*Counsel for Plaintiff*

cc: Counsel of Record

Application GRANTED. The pretrial conference scheduled for October 11, 2024, and the deadline to submit a joint letter and proposed case management plan are ADJOURNED *sine die*.

The Clerk of Court is directed to terminate the pending motion at docket entry 11.

Dated: October 4, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE